

AMENDED IN ASSEMBLY JUNE 15, 2000

AMENDED IN SENATE MAY 1, 2000

SENATE BILL

No. 2028

Introduced by Senator Figueroa

February 25, 2000

An act to amend Sections 473.1, 473.2, 473.3, 473.5, 7801, 7810, 7815.5, 18602, and 18613 of, and to ~~amend and repeal Section 2475~~ *repeal Sections 473.16 and 473.17* of, the Business and Professions Code, *and to repeal Section 1 of Chapter 78 of the Statutes of 1997*, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

SB 2028, as amended, Figueroa. ~~Podiatric medicine: Joint Legislative Sunset Review Committee:~~ geologists and geophysicists: State Athletic Commission.

(1) ~~The Medical Practice Act provides for the licensing and regulation of podiatrists by the California Board of Podiatric Medicine. Certain provisions governing the practice of podiatric medicine by postgraduate trainees, interns, resident postdoctoral fellows, or instructors will become inoperative on July 1, 2000, and will be repealed on January 1, 2001, to be replaced by other provisions that will become operative on July 1, 2000.~~

~~This bill would repeal the provisions that become operative on July 1, 2000. This bill would instead indefinitely extend the operation of the provisions that otherwise would be repealed on January 1, 2001. Existing law creates the Joint Legislative~~

Sunset Review Committee and specifies its duties with respect to the review of various boards and commissions.

This bill would repeal certain provisions governing the committee's review duties and would revise various other provisions relating to the operation of the committee and related reporting dates and requirements for boards and commissions subject to committee review.

(2) The Geologist and Geophysicists Act provides for the licensing and regulation of geologists and geophysicists by the State Board of Registration for Geologists and Geophysicists. The provisions creating the board and authorizing the board to appoint an executive officer will become inoperative on July 1, 2001, and will be repealed on January 1, 2002.

This bill would instead provide that these provisions would become inoperative on July 1, 2005, and would be repealed on January 1, 2006. *This bill would rename the board as the Board for Geologists and Geophysicists.*

(3) The Boxing Act provides for the establishment of the State Athletic Commission within the Department of Consumer Affairs and makes the commission responsible for the regulation of boxing, kickboxing, and martial arts contests, matches, and exhibitions. Under existing law, the provisions creating the commission will become inoperative on July 1, 2001, and will be repealed on January 1, 2002.

This bill would instead provide for these provisions to become inoperative on July 1, 2005, and to be repealed on January 1, 2006.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 2475 of the Business and~~
 2 ~~Professions Code, as amended by Section 26 of Chapter~~
 3 ~~655 of the Statutes of 1999, is amended to read:~~
 4 ~~2475. Unless otherwise provided by law, no~~
 5 ~~postgraduate trainee, intern, resident postdoctoral~~
 6 ~~fellow, or instructor may engage in the practice of~~
 7 ~~podiatric medicine, or receive compensation therefor, or~~
 8 ~~offer to engage in the practice of podiatric medicine~~

1 ~~unless he or she holds a valid, unrevoked, and~~
2 ~~unsuspended certificate to practice podiatric medicine~~
3 ~~issued by the division. However, a graduate of an~~
4 ~~approved college or school of podiatric medicine upon~~
5 ~~whom the degree doctor of podiatric medicine has been~~
6 ~~conferred, who is issued a limited license, which may be~~
7 ~~renewed annually for up to four years, for this purpose by~~
8 ~~the division upon recommendation of the board, and who~~
9 ~~is enrolled in a postgraduate training program approved~~
10 ~~by the board, may engage in the practice of podiatric~~
11 ~~medicine whenever and wherever required as a part of~~
12 ~~that program under the following conditions:~~

13 ~~(a) A graduate with a limited license in an approved~~
14 ~~internship, residency, or fellowship program may~~
15 ~~participate in training rotations outside the scope of~~
16 ~~podiatric medicine, under the supervision of a physician~~
17 ~~and surgeon who holds a medical doctor or doctor of~~
18 ~~osteopathy degree wherever and whenever required as~~
19 ~~a part of the training program, and may receive~~
20 ~~compensation for that practice. If the graduate fails to~~
21 ~~receive a license to practice podiatric medicine under~~
22 ~~this chapter within two years from the commencement~~
23 ~~of the postgraduate training, all privileges and~~
24 ~~exemptions under this section shall automatically cease.~~

25 ~~(b) Podiatric hospitals functioning as a part of the~~
26 ~~teaching program of an approved college or school of~~
27 ~~podiatric medicine in this state may exchange instructors~~
28 ~~or resident or assistant resident podiatrists with another~~
29 ~~approved college or school of podiatric medicine not~~
30 ~~located in this state, or those hospitals may appoint a~~
31 ~~graduate of an approved school as such a resident for~~
32 ~~purposes of postgraduate training. Those instructors and~~
33 ~~residents may practice and be compensated as provided~~
34 ~~in paragraph (1), but that practice and compensation~~
35 ~~shall be for a period not to exceed one year.~~

36 ~~SEC. 2. Section 2475 of the Business and Professions~~
37 ~~Code, as amended by Section 27 of Chapter 655 of the~~
38 ~~Statutes of 1999, is repealed.~~

39 ~~SEC. 3.—~~

1 SECTION 1. Section 473.1 of the Business and
2 Professions Code is amended to read:

3 473.1. This division shall apply to all of the following:

4 (a) Every board, as defined in Section 22, that is
5 scheduled to become inoperative ~~on July 1, 1997, July 1,~~
6 ~~1998, or July 1, 1999,~~ and to be repealed on ~~either January~~
7 ~~1, 1998, January 1, 1999, or January 1, 2000, respectively,~~
8 ~~by the act which enacted this division a specified date as~~
9 ~~provided by the specific act relating to the board.~~

10 (b) The Bureau for Postsecondary and Vocational
11 Education. For purposes of this division, “board” includes
12 the bureau.

13 SEC. 2. Section 473.16 of the Business and Professions
14 Code is repealed.

15 ~~473.16. (a) The Joint Legislative Sunset Review~~
16 ~~Committee shall review the referral of cases to the~~
17 ~~Licensing and Health Quality Enforcement Sections of~~
18 ~~the Attorney General’s office by the boards to which this~~
19 ~~division applies, the performance of the Licensing and~~
20 ~~Health Quality Enforcement Sections of the Attorney~~
21 ~~General’s office, in handling the cases so referred and the~~
22 ~~reimbursement of the Attorney General for legal services~~
23 ~~by those boards. The review shall be conducted in~~
24 ~~conjunction with the Legislative Analyst’s office, and in~~
25 ~~consultation with the department, the Attorney~~
26 ~~General’s office, and the boards which receive services~~
27 ~~from the Licensing and Health Quality Enforcement~~
28 ~~Sections. The purpose of the performance review is to~~
29 ~~ascertain whether the referral of disciplinary cases and~~
30 ~~their handling by the Attorney General’s office are being~~
31 ~~effectuated in an effective, efficient, and expeditious~~
32 ~~manner, and whether the billing practices and costs~~
33 ~~associated with individual cases, and the referring boards’~~
34 ~~practices with respect to budgeting and reimbursement~~
35 ~~of the Attorney General’s costs are effective and efficient.~~

36 ~~(b) The Joint Legislative Sunset Review Committee~~
37 ~~shall evaluate the performance review and make~~
38 ~~determinations pursuant to this section, and shall report~~
39 ~~its findings and recommendations to the Legislature by~~
40 ~~March 1, 1998.~~

1 *SEC. 3. Section 473.17 of the Business and Professions*
2 *Code is repealed.*

3 ~~473.17. The Joint Legislative Sunset Review~~
4 ~~Committee shall review, in conjunction with the~~
5 ~~Legislative Analyst's Office, and in consultation with the~~
6 ~~Board of Podiatric Medicine, the department, the~~
7 ~~University of California, and the California College of~~
8 ~~Podiatric Medicine, the expenditure of funds for the~~
9 ~~support of educational and related programs in the field~~
10 ~~of podiatry. The committee shall report its findings to the~~
11 ~~Legislature by April 1, 1999.~~

12 *SEC. 4. Section 473.2 of the Business and Professions*
13 *Code is amended to read:*

14 473.2. All boards to which this division applies shall,
15 with the assistance of the Department of Consumer
16 Affairs, prepare an analysis and submit a report to the
17 Joint Legislative Sunset Review Committee no later than
18 ~~one year plus 90 days prior to the January 1st of the year~~
19 ~~during which~~ 22 months before that board shall become
20 inoperative. The analysis and report shall include, at a
21 minimum, all of the following:

22 (a) A comprehensive statement of the board's mission,
23 goals, objectives and legal jurisdiction in protecting the
24 health, safety, and welfare of the public.

25 (b) The board's enforcement priorities, complaint and
26 enforcement data, budget expenditures with average-
27 and median-costs per case, and case aging data specific to
28 post and preaccusation cases at the Attorney General's
29 office.

30 (c) The board's fund conditions, sources of revenues,
31 and expenditure categories for the last four fiscal years by
32 program component.

33 (d) The board's description of its licensing process
34 including the time and costs required to implement and
35 administer its licensing examination, ownership of the
36 license examination, relevancy and validity of the
37 licensing examination, and passage rate and areas of
38 examination.

1 (e) The board's initiation of legislative efforts, budget
2 change proposals, and other initiatives it has taken to
3 improve its legislative mandate.

4 *SEC. 5. Section 473.3 of the Business and Professions*
5 *Code is amended to read:*

6 473.3. (a) Prior to the termination, continuation, or
7 reestablishment of any board or any of the board's
8 functions, the Joint Legislative Sunset Review
9 Committee shall, during the interim recess preceding the
10 date upon which a board becomes inoperative, hold
11 public hearings to receive testimony from the Director of
12 Consumer Affairs, the board involved, and the public and
13 regulated industry. In that hearing, each board shall have
14 the burden of demonstrating a compelling public need
15 for the continued existence of the board or regulatory
16 program, and that its licensing function is the least
17 restrictive regulation consistent with the public health,
18 safety, and welfare.

19 (b) In addition to subdivision (a), in the year-~~2001~~ 2002
20 and every four years thereafter, the committee shall hold
21 a public hearing to receive testimony from the Director
22 of Consumer Affairs, the Bureau for Private
23 Postsecondary and Vocational Education, private
24 postsecondary educational institutions regulated by the
25 bureau, and students of those institutions. In those
26 hearings, the bureau shall have the burden of
27 demonstrating a compelling public need for the
28 continued existence of the bureau and its regulatory
29 program, and that its function is the least restrictive
30 regulation consistent with the public health, safety, and
31 welfare.

32 *SEC. 6. Section 473.5 of the Business and Professions*
33 *Code is amended to read:*

34 473.5. The Joint Legislative Sunset Review
35 Committee shall report its findings and *preliminary*
36 recommendations to the department for its review, and,
37 within-~~60~~ 90 days of receiving the report, the department
38 shall report its findings and recommendations, ~~which~~
39 ~~shall incorporate the findings and recommendations of~~
40 ~~the Joint Legislative Sunset Review Committee, to the~~

Legislature to the Joint Legislative Sunset Review Committee during the next year of the regular session that follows the hearings described in Section 473.3. The committee shall then meet to vote on final recommendations. A final report shall be completed by the committee and made available to the public and the Legislature. The report shall include final recommendations of the department and the committee and whether each board or function scheduled for repeal shall be terminated, continued, or reestablished, and whether its functions should be revised. If the committee or the department deems it advisable, the report may include proposed bills to carry out its recommendations.

SEC. 7. Section 7801 of the Business and Professions Code is amended to read:

7801. "Board," as used in this chapter, means the ~~State Board of Registration~~ for Geologists and Geophysicists. Any reference in any law or regulation to the State Board of Registration for Geologists and Geophysicists shall be deemed to refer to the Board for Geologists and Geophysicists.

SEC. 8. Section 7810 of the Business and Professions Code is amended to read:

7810. The ~~State Board of Registration~~ Board for Geologists and Geophysicists is within the department and is subject to the jurisdiction of the department. Except as provided in this section, the board shall consist of eight members, five of whom shall be public members, two of whom shall be geologists, and one of whom shall be a geophysicist.

Each member shall hold office until the appointment and qualification of the member's successor or until one year has elapsed from the expiration of the term for which the member was appointed, whichever occurs first. Vacancies occurring prior to the expiration of the term shall be filled by appointment for the remainder of the unexpired term.

Each appointment shall be for a four-year term expiring June 1 of the fourth year following the year in which the previous term expired. No person shall serve

1 as a member of the board for more than two consecutive
2 terms.

3 The Governor shall appoint three of the public
4 members and the three members qualified as provided in
5 Section 7811. The Senate Committee on Rules and the
6 Speaker of the Assembly shall each appoint a public
7 member, and their initial appointment shall be made to
8 fill, respectively, the first and second public member
9 vacancies that occurred on or after January 1, 1983.

10 At the time the first vacancy is created by the
11 expiration of the term of a public member appointed by
12 the Governor, the board shall be reduced to consist of
13 seven members, four of whom shall be public members,
14 two of whom shall be geologists, and one of whom shall be
15 a geophysicist. Notwithstanding any other provision of
16 law, the term of that member shall not be extended for
17 any reason, except as provided in this section.

18 This section shall become inoperative on July 1, 2005,
19 and, as of January 1, 2006, is repealed, unless a later
20 enacted statute, that becomes operative on or before
21 January 1, 2006, deletes or extends the dates on which it
22 becomes inoperative and is repealed. The repeal of this
23 section renders the board subject to the review required
24 by Division 1.2 (commencing with Section 473).

25 ~~SEC. 4.~~

26 SEC. 9. Section 7815.5 of the Business and Professions
27 Code is amended to read:

28 7815.5. The board may appoint a person exempt from
29 civil service who shall be designated as an executive
30 officer and who shall exercise the powers and perform the
31 duties delegated by the board and vested in him or her by
32 this chapter.

33 This section shall become inoperative on July 1, 2005,
34 and, as of January 1, 2006, is repealed, unless a later
35 enacted statute, which becomes effective on or before
36 January 1, 2006, deletes or extends the dates on which it
37 becomes inoperative and is repealed.

38 ~~SEC. 5.~~

39 SEC. 10. Section 18602 of the Business and Professions
40 Code is amended to read:



1 18602. Except as provided in this section, there is in
2 the Department of Consumer Affairs the State Athletic
3 Commission, which consists of eight members. Six
4 members shall be appointed by the Governor, one
5 member shall be appointed by the Senate Rules
6 Committee, and one member shall be appointed by the
7 Speaker of the Assembly.

8 The members of the commission appointed by the
9 Governor are subject to confirmation by the Senate
10 pursuant to Section 1322 of the Government Code.

11 No person who is licensed under this chapter as a
12 promoter, manager, or judge may be appointed or
13 reappointed to, or serve on, the commission.

14 Upon the first expiration of the term of a member
15 appointed by the Governor, the commission shall be
16 reduced to seven members. Notwithstanding any
17 provision of law, the term of that member shall not be
18 extended for any reason.

19 This section shall become inoperative on July 1, 2005,
20 and as of January 1, 2006, is repealed, unless a later
21 enacted statute, which becomes operative on or before
22 January 1, 2006, deletes or extends the dates on which it
23 becomes inoperative and is repealed. The repeal of this
24 section renders the commission subject to the review
25 required by Division 1.2 (commencing with Section 473).

26 ~~SEC. 6.~~

27 *SEC. 11.* Section 18613 of the Business and Professions
28 Code is amended to read:

29 18613. The commission shall appoint an executive
30 officer and fix his or her compensation. The executive
31 officer shall carry out the duties prescribed by this
32 chapter and additional duties as may be delegated by the
33 commission. The commission may employ in accordance
34 with Section 154 other personnel as may be necessary for
35 the administration of this chapter.

36 This section shall become inoperative on July 1, 2005,
37 and, as of January 1, 2006, is repealed, unless a later
38 enacted statute, which becomes effective on or before
39 January 1, 2006, deletes or extends the dates on which it
40 becomes inoperative and is repealed.

1 ~~SEC. 12. Section 1 of Chapter 78 of the Statutes of 1997~~
2 ~~is repealed.~~

3 ~~SECTION 1. The Legislature hereby finds and~~
4 ~~declares that the California Postsecondary Education~~
5 ~~Commission, in reviewing the effectiveness of the Private~~
6 ~~Postsecondary and Vocational Education Reform Act of~~
7 ~~1989, adopted and issued a report on October 30, 1995,~~
8 ~~that set forth all of the following findings:~~

9 ~~(a) The Private Postsecondary and Vocational~~
10 ~~Education Reform Act of 1989 is California's major statute~~
11 ~~for regulating and strengthening its more than 2,000~~
12 ~~privately operated postsecondary educational~~
13 ~~institutions, as well as out-of-state public and private~~
14 ~~institutions that have operations in California. The~~
15 ~~private sector educates approximately 400,000 students:~~
16 ~~100,000 enrolled in degree-granting institutions, and~~
17 ~~300,000 enrolled in nondegree-granting institutions.~~

18 ~~(b) Prior to passage of the act, some degrees and~~
19 ~~diplomas awarded by California's private postsecondary~~
20 ~~and vocational educational institutions were of~~
21 ~~questionable integrity and value. The act set minimum~~
22 ~~standards of instructional quality and institutional~~
23 ~~business practices, and mandated consumer protections~~
24 ~~for students against fraud, misrepresentation, and unfair~~
25 ~~practices by schools. These changes have restored the~~
26 ~~credibility and integrity of degrees and diplomas~~
27 ~~awarded by private schools and colleges.~~

28 ~~(c) More broadly, the improvement of California's~~
29 ~~work force preparation programs, both public and~~
30 ~~private, is of significant value to the business community~~
31 ~~in California. By ensuring high-quality preparation and~~
32 ~~training for students entering the work force, this act~~
33 ~~benefits both employers and employees.~~